

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA)	
)	
PLAINTIFF,)	
)	
vs.)	
)	
33.92356 ACRES OF LAND,)	CIVIL ACTION NO. 98-1664 (CCC)
MORE OR LESS, SITUATED IN)	
VEGA BAJA, COMMONWEALTH OF)	
PUERTO RICO, AND JUAN PIZA-BLONDET,)	
AND ANY UNKNOWN OWNERS,)	
)	
DEFENDANTS.)	
_____)	

MOTION FOR ENLARGEMENT OF TIME
TO SUBMIT EXHIBIT
AND MEMORANDUM IN SUPPORT

Plaintiff, The United States of America, by and through its undersigned counsel, respectfully requests that the Court enlarge the period of time, through December 3, 2004, for Plaintiff to produce a copy of government's Exhibit 6, "Mapa de Zonificación de Vega Baja," (Zoning Map of Vega Baja). In support of this Motion, Plaintiff submits the following Memorandum.

MEMORANDUM IN SUPPORT OF
MOTION FOR ENLARGEMENT OF TIME

1. This is the acquisition of 33.05834 acres of land in fee, and a perpetual right-of-way easement across 0.86522 acres of land, for a Federal Aviation Administration beacon antennae in Puerto Rico. The parcel taken is part of a larger unitary holding of about 400 acres that, at the time of the taking, was owned by Juan Piza-Blondet (the landowner). This 400-acre parcel was

within a special conservation zoning district. It is near one of the most important fresh water lagoons in the island (Laguna de Tortuguero); it contains a mosaic of fresh water marshes (wetlands); and it is within a flood prone zone.

2. On October 26, 1999, the Court (Hon. Judge Gierbolini presiding) held what is commonly known as a “larger parcel hearing” to determine a preliminary valuation or appraisal question in this case. The main question at the hearing was [and still is] whether just compensation is properly measured by the difference between the fair market value of the entire ownership immediately before the taking and the fair market value of the portion not taken immediately after the taking (the “before and after” rule) or by the fair and reasonable market value of the part taken only. The government contended that the “before and after rule” should be used. The defendant claimed that only the part taken should be valued. The Court took the matter under advisement.

3. On November 22, 2004, the Court ordered the government to produce a copy of its “Exhibit No. 6, ‘Mapa de Zonificación de Vega Baja,’ on which parcels of land in issue are marked in color.” The original of this Zoning Map was introduced into evidence as a government exhibit during the course of the “Larger Parcel” hearing held on October 26, 1999. (It is the government’s understanding that the original document was filed with the court at the time of the hearing).

4. With the lapse of several years, government former counsel David Lastra is no longer assigned to this matter. Two new attorneys have now been assigned as counsel in this matter. They are Paul Harrison and Jeffrey Tapick, both Trial Attorneys with the Land Acquisition

Section, Environment and Natural Resources Division, U.S. Department of Justice in Washington, District of Columbia.

5. The government has been diligently searching its files for a copy of the requested Exhibit but, so far, has been unable to find it.

6. On Wednesday November 23, 2004, government counsel telephoned appraiser Gonzalo Ferrer – the expert who testified at the hearing and through whom the government introduced its Exhibit – in order to secure a copy of the Exhibit, but was unable to reach him.

7. On Monday, November 29, 2004, government’s former counsel David Lastra spoke with Mr. Ferrer and arranged for government counsel to have a meeting with Mr. Ferrer on the afternoon of Thursday, December 2, 2004, to look for and secure a copy of the Exhibit from Mr. Ferrer’s files.

8. On Tuesday, November 30, 2004, government counsel spoke with Maurice Piza, attorney for Defendant-landowner Juan Piza-Blondet, and Mr. Piza indicated that he had no objection to this motion.

WHEREFORE, Plaintiff respectfully moves this Court to enlarge the period of time to produce the requested document, Exhibit No. 6, titled “Mapa de Zonificación de Vega Baja,” until December 3, 2004.

CERTIFICATE OF SERVICE

I hereby certify that, on this day a copy of the foregoing motion was faxed and mailed to Maurice V. Piza, 5500 Prytania Street, New Orleans LA 70115, Fax 504-277-2358.

Respectfully submitted, in San Juan, Puerto Rico, this 30th day of November, 2004.

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